

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred House Bill No. 1001, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 4, delete lines 2 through 42.
- 2 Delete page 5.
- 3 Page 6, delete lines 1 through 22.
- 4 Page 8, delete lines 9 through 42.
- 5 Delete page 9.
- 6 Page 10, delete lines 1 through 20.
- 7 Page 12, line 42, after "commission." insert **"However, the**
- 8 **commission may not participate in any financing program that**
- 9 **involves bonded indebtedness unless the bonded indebtedness is**
- 10 **specifically authorized by the general assembly."**
- 11 Page 13, delete lines 22 through 42.
- 12 Delete pages 14 through 15.
- 13 Page 16, delete lines 1 through 18.
- 14 Page 17, delete lines 40 through 42.
- 15 Page 18, delete lines 1 through 17.
- 16 Page 23, reset in bold lines 19 through 20.
- 17 Page 38, between lines 26 and 27, begin a new paragraph and insert:
- 18 "SECTION 46. IC 35-41-3-2 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person is
- 20 justified in using reasonable force against another person to protect

1 ~~himself the person~~ or a third person from what ~~he the person~~
 2 reasonably believes to be the imminent use of unlawful force.
 3 However, a person is justified in using deadly force only if ~~he the~~
 4 **person** reasonably believes that that force is necessary to prevent
 5 serious bodily injury to ~~himself the person~~ or a third person or the
 6 commission of a forcible felony. No person in this state shall be placed
 7 in legal jeopardy of any kind whatsoever for protecting ~~himself the~~
 8 **person** or ~~his the person's~~ family by reasonable means necessary.

9 (b) A person is justified in using reasonable force, including deadly
 10 force, against another person if ~~he the person~~ reasonably believes that
 11 the force is necessary to prevent or terminate the other person's
 12 unlawful entry of or attack on ~~his the person's~~ dwelling or curtilage.

13 (c) With respect to property other than a dwelling or curtilage, a
 14 person is justified in using reasonable force against another person if
 15 ~~he the person~~ reasonably believes that the force is necessary to
 16 immediately prevent or terminate the other person's trespass on or
 17 criminal interference with property lawfully in ~~his the person's~~
 18 possession, lawfully in possession of a member of ~~his the person's~~
 19 immediate family, or belonging to ~~a another~~ person whose property ~~he~~
 20 **the person** has authority to protect. However, a person is not justified
 21 in using deadly force unless that force is justified under subsection (a).
 22 ~~of this section.~~

23 (d) **A person is justified in using reasonable force, including**
 24 **deadly force, against another person if the person reasonably**
 25 **believes that the force is necessary to prevent or stop the other**
 26 **person from hijacking, attempting to hijack, or otherwise seizing**
 27 **or attempting to seize unlawful control of an aircraft in flight. For**
 28 **purposes of this subsection, an aircraft is considered to be in flight**
 29 **while the aircraft is:**

30 (1) **on the ground in Indiana:**

31 (A) **after the doors of the aircraft are closed for takeoff;**
 32 **and**

33 (B) **until the aircraft takes off;**

34 (2) **in the airspace above Indiana; or**

35 (3) **on the ground in Indiana:**

36 (A) **after the aircraft lands; and**

37 (B) **before the doors of the aircraft are opened after**
 38 **landing.**

(e) Notwithstanding subsections (a), (b), and (c), ~~of this section~~, a person is not justified in using force if **the person:**

- (1) ~~he~~ is committing, or is escaping after the commission of, a crime;
- (2) ~~he~~ provokes unlawful action by another person, with intent to cause bodily injury to the other person; or
- (3) ~~he~~ has entered into combat with another person or is the initial aggressor, unless ~~he~~ **the person** withdraws from the encounter and communicates to the other person ~~his~~ **the person's** intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

(f) Notwithstanding subsection (d), a person is not justified in using force if the person:

- (1) is committing, or is escaping after the commission of, a crime;
- (2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or
- (3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

SECTION 47. IC 35-42-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A person who knowingly or intentionally:

- (1) confines another person without the other person's consent; or
- (2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;

commits criminal confinement. **Except as provided in subsection (b), the offense of criminal confinement is a Class D felony. However;**

(b) The offense of criminal confinement described in subsection (a) is:

- (1) a Class C felony if the ~~other~~ person **confined or removed** is less than fourteen (14) years of age and is not the **confining or removing** person's child; and
- (2) a Class B felony if it:
 - (A) is committed while armed with a deadly weapon; or
 - (B) results in serious bodily injury to ~~another~~ **a person other**

1 **than the confining or removing person; or**
 2 **(C) is committed on an aircraft."**

3 Page 46, between lines 34 and 35, begin a new paragraph and insert:

4 "SECTION 59. IC 35-47-6-1.4 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2002]: **Sec. 1.4. (a) This section does not**
 7 **apply to a person who is:**

8 **(1) employed by:**

9 **(A) an airport;**

10 **(B) an airline; or**

11 **(C) a law enforcement agency; and**

12 **(2) acting lawfully within the scope of the person's**
 13 **employment.**

14 **(b) A person who knowingly or intentionally enters an area of**
 15 **an airport to which access is controlled by the inspection of persons**
 16 **or property without submitting to the inspection commits a Class**
 17 **A misdemeanor.**

18 SECTION 60. IC 35-47-6-1.6 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2002]: **Sec. 1.6. (a) A person who knowingly**
 21 **or intentionally uses force or violence or the threat of force or**
 22 **violence to disrupt the operation of an aircraft commits a Class B**
 23 **felony.**

24 **(b) A person who knowingly or intentionally uses force or**
 25 **violence or the threat of force or violence to hijack an aircraft in**
 26 **flight commits a Class A felony.**

27 **(c) For purposes of this section, an aircraft is considered to be**
 28 **in flight while the aircraft is:**

29 **(1) on the ground in Indiana:**

30 **(A) after the doors of the aircraft are closed for takeoff;**
 31 **and**

32 **(B) until the aircraft takes off;**

33 **(2) in the airspace above Indiana; or**

34 **(3) on the ground in Indiana:**

35 **(A) after the aircraft lands; and**

36 **(B) before the doors of the aircraft are opened after**
 37 **landing."**

38 Page 58, line 5, after "(2)" insert **"except as provided in**

- 1 **subdivision (3),**".
 - 2 Page 58, line 7, delete "and".
 - 3 Page 58, between lines 7 and 8, begin a new line block indented and
 - 4 insert:
 - 5 **"(3) demonstrate through an inspection that smoking,**
 - 6 **matches, open flames, and spark producing devices are not**
 - 7 **allowed within a room containing an indoor magazine; and".**
 - 8 Page 58, line 8, delete "(3)" and insert "(4)".
 - 9 Page 64, delete lines 24 through 35.
 - 10 Renumber all SECTIONS consecutively.
- (Reference is to HB 1001 as reprinted February 5, 2002.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Garton

Chairperson